

STATE BOARD OF SUBSTANCE ABUSE AND MENTAL HEALTH

Minutes of April 19, 2007
Hilton Salt Lake City Center
Salt Lake City, Utah

Attended:

Board Members:

Dr. Michael Crookston, Chair
Paula Bell, Vice-Chair
Darryl Wagner
Louis Callister

Joleen Meredith
Nora B Stephens
James Ashworth

Staff:

Mark Payne
Ron Stromberg
Dallas Earnshaw

Brent Kelsey
Victoria Delheimer
Jan Fryer

Guests:

Jack Tanner
Harold Morrill

AGENDA	DISCUSSION	RECOMMENDATIONS/ACTION
Welcome & Introductions	Dr. Crookston opened the meeting, welcomed those in attendance, and introductions were made.	
Approval of March 13, 2007 Meeting Minutes		Paula moved that the March 13 th meeting minutes be approved as written. Motion seconded by Lou and approved unanimously.
Board's Annual Review of Policy/Rules	The current statute and rule outlining the Board's authority and responsibilities was provided to the Board. A lengthy discussion centered on a specific area of the statute that states that whenever policy is established, that stakeholders and other interested parties will be provided an opportunity to give input. The Administrative Rule defines that the Board will conduct an annual meeting to accommodate this input. This led to a lengthy discussion and numerous questions from Board members around the specific differences between policies, rules and statute. Division staff provided information to the Board on the distinction between each, and it was clarified that all policies that previously existed have been filed as administrative rules. The Board also discussed various mechanisms for providing opportunity to stakeholders and other in the system to give their input. There were questions about the need to make some language changes to the statute since policies no longer exist. It was suggested that a request for a legal interpretation on the language in the statute and rule that relates to policies might be helpful. Lou expressed interest in having the Division develop a revised draft of the rule per the discussion. This would then be presented to the Board to address further in a more formal manner at the May or June Board meeting.	Lou moved that the Division take responsibility to draft a revised rule that identifies a more simplified procedure yet meets the intent of the statute. The revision will take into account the discussion around the policies issues. The Board will then review and discuss the draft rule at the May meeting if possible; if not, this issue will be included on the June meeting agenda. Motion seconded by Dr. Ashworth. There was further discussion on the issues and following the discussion Lou renewed his motion, which passed unanimously.
DHS Attorney General's Review of Existing Statute	Mark reported that Division leadership met with Susan Eisenman, Legal Counsel for the Department, to discuss state statute that reflects the Division. Mark indicated that since the merger, there have been some conflicts with the structure and organization of the statute. He reported that there would be an effort to look at reorganizing the statute and improving the language. Mark extended an invitation to the Board to participate in the review of statute if interested.	The Board supported review of the current statute as reported by Mark. Dr. Ashworth indicated that if there are issues that need the Board's attention with the review, these could be brought to the Board for their feedback at monthly Board meetings.

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Legislative Audits	<p>Mark reported that there have been two legislative audit requests that will begin in the near future. The first being an audit of the Utah State Hospital and the second being an audit of Davis Behavioral Health. It was reported that the audit of the State Hospital will likely begin in July with the intent to complete the audit prior to the 2008 Legislative Session. Mark updated the Board on what has occurred with the issue of privatization since the Board met in March. He reported that the Health and Human Services Appropriations Subcommittee will be making a site visit to the State Hospital on May 2nd and will also hold their meeting at same location. Initially, individuals from the Office of Legislative Research had planned to tour the Hospital on April 27th; however, this has been rescheduled for May 15th. Mark indicated that the Chairs of the Health and Human Services Interim Committee might also participate in the May 15th visit. The Board had a lengthy discussion regarding their participation in the meetings and tours as reviewed by Mark and whether or not it would be useful for them to attend. They also discussed the option of going with their initial plan to hold their June 12th meeting at the State Hospital and invited legislators to attend.</p> <p>Mark reported that relative to the Legislative Audit of Davis Behavioral Health, that the Division is unaware of the concerns of the legislators at this point or what the audit will involve.</p>	<p>The Board agreed that they would not participate in the May meetings and events as reported by Mark. The Board requested that the Division provide an update at the May 8th Board meeting on the May 2nd visit to the State Hospital by the Health and Human Services Appropriations Subcommittee. The Board will hold their June 12th meeting at the State Hospital as initially planned and will set the agenda once the May meetings have occurred and a more clear direction with the privatization issues are realized.</p>
Appropriations – Local Allocations	<p>Mark reported that various meetings have been held the past month to determine how to best allocate the appropriations received from the Legislature. Staff provided reports to the Board on the procedures established for allocating monies received for, 1) Substance Abuse Treatment for Women and Children, 2) Drug Court Expansion, 3) Drug Offender Reform Act, 4) Mental Health Treatment for Non-Medicaid Individuals, 5) Veteran’s Counseling, and 6) Children’s Mental Health. Allocation spreadsheets were provided to the Board.</p> <p>Mark reported that the formula used to distribute the funding for substance abuse treatment for women and children is different than the regular substance abuse funding formula and therefore, approval from the Board is required. Victoria Delheimer explained the funding formula that was used and provided details of what was considered in determining the formula.</p>	<p>Dr. Ashworth moved that the Board approve the funding formula for the substance abuse treatment for women and children as presented. Motion seconded by Lou and approved unanimously.</p>
Utah State Hospital	<p>Dallas reported that the Hospital has filled the vacant FTE’s for physicians and are now fully staffed. The nursing shortage continues to be a concern and there are currently 23 nursing vacancies. Approval has been received from the Department to provide various incentives that will assist in the recruitment and retention of nurses.</p> <p>Dallas updated the Board on the capital improvements that have been made at the State Hospital on the MS Building, which is where the children’s unit is housed.</p> <p>Dallas reported that the waiting list on the Forensic Unit has been maintained at about six or seven individuals for the past year for those individuals who are in jails, are not</p>	<p>FYI.</p>

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State Hospital (continued)	competent and have been ordered to the Hospital for treatment. The Hospital has been working with the courts and the average waiting time once found not competent and ordered to the Hospital is two to three weeks. However, during the past month, the Hospital has been inundated with court orders and the waiting list has increased to 13. Dallas noted that letters have been sent to the judges to help them understand the process and ask for cooperation in getting these individuals into the Hospital.	
Utah Behavioral Healthcare network	<p>Jack Tanner reported for UBHN and commented that when mental health centers are unable to get an individual into a bed at the State Hospital because the beds are full, the centers must buy a bed on the market at a cost of about \$1,000 per day. This is the current average negotiated rate around the state compared to about \$450 per day at the State Hospital. He noted that there is a tremendous financial impact on the mental health system when centers cannot get individuals into the State Hospital.</p> <p>Jack updated the Board on the dissolution of the Utah Behavioral Healthcare Network (UBHN). He reported that the Utah Association of Counties (UAC) Board met and accepted the charter agreement, which outlines specific projects that UAC commits to do and the budget to accomplish the tasks. Jack indicated that UBHN will proceed with the dissolution of the corporation, and it is hopeful that all of the functions previously assumed by UBHN will continue. He reported that for the next six months following June, there will be one part-time staff person for a 6-month period until such time that the other two staff positions can be filled. It was noted that there are many unanswered questions with the structure and functions, and it is hopeful that with the number of challenges that exist, that the merger will be successful and that all functions will continue.</p>	FYI.
Agenda for May and June Board Meetings	Items for the May 8 th Board meeting agenda were discussed. Dr. Ashworth expressed his concerns regarding advocacy and the need to develop some strategies to strengthen advocacy efforts for mental health and substance abuse. Jack Tanner commented that UAC would benefit by knowing the Board's concerns and suggested that their concerns be conveyed to the Chairman of UAC Board, Commissioner Cox. There was discussion about inviting Commissioner Cox to the next Board meeting to discuss their future plans with the current transition. Jack noted that he would attend the next Board and would invite Angela Smart, who will succeed him in his role as Executive Director to attend and meet the Board.	<p>Agenda items were noted and the agenda will be developed accordingly.</p> <p>An invitation will be extended to Commissioner Cox to attend monthly Board meetings.</p>
Adjourn		Paula moved that the meeting be adjourned. Motion seconded by Joleen and approved unanimously.